Policy making 'front' and 'back' stage:
Assessing the implications for effectiveness and democracy

ABSTRACT

The aim of this article is to examine the complex interrelationship between 'front' and 'back' stage policy making. 'Front stage' describes the activities of visible and accountable office-holders in elected bodies, constrained by established bureaucratic rules. 'Back stage' describes the world of unseen decision making where public officials are less constrained by formal rules and public scrutiny. Drawing on a recent case study of English devolution in the United Kingdom, this article examines how front and back stage policy making shape one another and the impact this can have on policy effectiveness and democratic accountability. Findings reveal that policy makers need to think more explicitly about the interplay between front and back stage activities. In the context of English devolution, the *transition* from back to front stage has been flawed. Central government's purposeful strategy of informal negotiations with very few formal objectives has resulted in low stakeholder buy-in, which has mitigated against the potential effectiveness of back stage decision making.

INTRODUCTION

This article examines the interaction between 'front' and 'back' stage policy making. More specifically, how an over-reliance on 'back stage' negotiations can impact on policy implementation at front stage. Friedman (1995, 16) states that 'front stage, actors are visible to the audience and have to stay in role'. Public officials are observable and accountable as office holders in elected bodies and are constrained by established bureaucratic rules, codes of conduct and public scrutiny (Klijn, 2014). 'Back stage' describes the world of complex decision making where public officials are hidden from public scrutiny and can engage in negotiations less constrained by formal rules: 'back stage, actors can relax from their roles, step out of character and work with their dramaturgical teammates to prepare for the front stage performance' (Friedman, 1995, 17).

This article will explore the management of the transition between the two stages. It will examine the contribution back stage decision making can make to policy problems which cannot easily be solved by traditional governance approaches. It will also explore how informality can weakens democratic accountability and threaten policy implementation. These issues will be examined via an analysis of 'devolution deals' negotiated between the central government and a number of localities in England (Political Studies Association, 2016). This area of policy is highly suited to analysing the interrelationship between front and back stage policy making for the following reasons. First, English devolution has recently attracted a lot of front stage attention (Kenny, 2016), via commitments 'to devolve powers and budgets to boost local growth in England' (Conservative Party, 2015, 1). Second, the policy exhibits substantial reliance on back stage negotiations. Institutional processes and practices for developing devolution deals have been described as 'almost entirely secret' with details 'being released only when agreements have been reached' (Centre for Public Scrutiny, 2015, 8). Third, the progress of the policy following its arrival at front stage has been mixed, making it a good opportunity to investigate the relationship between the two stages.

Back stage policy making is, of course, a normal, even vital, part of any policy making process. It is often described as 'greasing the wheels' and is a familiar feature of the 'British political

tradition' (Richards and Smith 2015). However, 'the devolution agenda is characterised by a particularly high degree of informal governance' (Political Studies Association, 2016, 4). By contrast with the more formal and standardised structures and processes for implementing English devolution under the New Labour government (1997-2010), our findings reveal a distinct and purposeful strategy on the part of central government and other critical actors to locate discussions around devolution deals to the back stage. Particularly high levels of informality in the devolution deal process have been noted elsewhere (Randall and Casebourne, 2016; Kenealy, 2016). However, this article makes an important and original contribution to the debate by offering the first examination of precisely how decisions were taken back stage, the implications for policy effectiveness and democracy and how critical actors managed the transition between the front and back stages. Evidence suggests that high levels of informality have led to a number of distinct advantages in the short term, including maintaining political momentum, dealing with complexity and uncertainty, building trust between critical actors and exploring innovative policy solutions. These are common rationales for adopting a back stage approach.

However, we argue that the policy has been over-reliant on back stage. The transition from back stage negotiations to the front stage has been flawed, which could serve to undermine these benefits over the longer term. The emphasis on back stage has particular implications for a policy concerned with enhancing local democracy and bringing political decision making closer to those most affected. These, of all policies, cannot avoid active assent from stakeholders and the public at front stage. Indeed, this has produced an uneasy paradox of a policy that is supposed to be democratising being carried out in an undemocratic way. The government's failure to clarify policy objectives and the inability of central and local 'insiders' to generate buy in from wider stakeholders means that the transition to front stage has not gone to plan, with a number of devolution deals subsequently collapsing (Sandford 2016). We conclude by suggesting ways to maximise the benefits of back stage decision making while mitigating the associated risks. This contributes to the governance literature on interactive governance (Torfing *et al*, 2012) by empirically exploring the potential downsides associated with softer, more relational aspects of decision making on the policy process.

This article is divided into five parts. Part I provides a brief account of the English devolution policy context. Part II outlines the theoretical framework, including how the concepts of front and back stage policy making have been utilised, how they interrelate and their impact on policy effectiveness and democratic accountability. Part III sets out the article's methodological approach and Part IV explores (i) how back stage decision making manifests itself in the devolution deal process (ii) the implications of back stage decision making for policy effectiveness and (iii) the implications of back stage decision making for democratic accountability. Part V reflects upon how this body of evidence can be utilised to offer insights into managing the delicate transition from back to front stage policy making.

PART I. POLICY CONTEXT

England has been a landscape of almost permanent administrative reconfiguration and rescaling during the last 50 years (Mawson and Bradbury, 2006). Successive governance 'solutions' within England, imposed by the centre, have been largely economic and technocratic with regard to sub-national governance (Tomaney, 2016). It might thus be expected that governance changes in England would be low-key and uncontroversial. However, when tackling rescaling, UK governments of all colours have become bogged down in the

interplay between powers passed to localities, relations between levels of government and balancing central and local influence on policy, boundaries, and local accountability.

The previous generation of English devolution policy, managed by New Labour between 1999 and 2010, adopted familiar governance structures but detached them from local power brokers. Private sector-led Regional Development Agencies (RDAs) and deconcentrated Government Offices for the Regions (GORs) retained the bulk of statutory powers and budgets. Local council leaders and stakeholders established Regional Chambers / Assemblies, which drew up 'strategies' covering broad policy areas, adapting central policy to local conditions, and held scrutiny sessions to establish whether the strategies were being implemented. But they lacked the powers to enforce the strategies or to constrain centrally-directed actions. Thus the only locally-based element of 'devolution policy' had only a peripheral influence on regional economic, housing and transport plans. The set-up assumed the form of democratic governance without its content, leading to disputes between impotent regional actors and a central government that often overruled or disregarded their decisions. This, in turn, contributed to the eventual fading of the policy in the run-up to the 2010 general election (Pike *et al*, 2016a).

A government sympathetic to devolving power, but concerned to avoid central-local disputes, could seek to relocate negotiations over institutional structures and relationships to the back stage. Devolution of power features potential conflict amongst those negotiating, an uncertain context, and a 'large numbers' problem (Ayres, 2017), all incentivising a back stage approach. This appears to have been the rationale adopted during George Osborne's term as Chancellor of the Exchequer (May 2010-July 2016). This generation of devolution policy renounced a comprehensive, governance-based approach in favour of bilateral, confidential deal-making. This was true of a round of some 28 'city deals', negotiated between the Government and local representatives of functional economic areas (O'Brien and Pike 2015; Waite *et al*, 2013). In response to growing stakeholder and think-tank support (e.g. Cox *et al*, 2014; City Growth Commission, 2014), a series of 'devolution deals' were then negotiated, beginning with the Greater Manchester Agreement in November 2014 (Kenealy, 2016). Both species of deal were negotiated between central government and small groups of local government leaders and representatives of Local Enterprise Partnerships (private sector-led economic growth forums). Six of these deals led to the election of 'metro-mayors' in May 2017, with a seventh to follow in May 2018.

Much scholarly output has critiqued the *process* of deal-making, whilst also predicting that it will lead to ineffective or failed policy once the new institutions are in place. A common argument has been that - contrary to Government rhetoric - English devolution deals do nothing to counter the power-hoarding character of the 'British political tradition'. Blunkett *et al* (2016, 556) suggest that underlying power relationships in the UK will continue to be characterised by 'the resilience and inertia of the UK political tradition'. Richards and Smith (2015, 387) describe the process as 'elite co-option that pays limited attention to the interest of citizens'. Commentary has focused on a rationale invoking economic growth, far more than democratic accountability (Lyall *et al*, 2015). Consultation on the proposals has largely taken place after the event, being difficult to access and, unsurprisingly, attracting relatively few responses (House of Lords 2016; Prosser *et al*, 2017). The devolution deals have been described as 'super-centralisation' (Hambleton 2017) and compared to contractual relationships between central and local government (Sandford 2017).

The use of 'back stage' policy making as an integral part of elite-to-elite negotiation is nothing new to the 'British political tradition'. Yet, there is comparatively little research on how back

stage decision making operates or its impact on front stage policy outcomes (Jitske and Buuren, 2016). 'Indeed, much current literature assumes that actors' incentives and expectations are shaped, primarily, if not exclusively, by formal rules' (Helmke and Levitsky, 2013: 85). This article responds to this gap in the literature by examining the way that decisions have been taken back stage and how this has impacted upon the success of the Government's latest initiative to devolve power in England.

PART II. THEORY

Making the distinction between front and back stage policy making

In recent years there has been an increased focus on informal or back stage policy making as part of a conceptual shift to the phenomenon of governance. The shift from 'government' to 'governance' implies that the nation state can no longer manage policy in isolation and instead must work with multiple actors at different spatial scales in order to realise objectives (Bevir and Rhodes, 2016). This development has prompted a new style of public leadership - one that relies less on bureaucracy and formal structures and more on networks and informal relations (Barber, 2013). Back stage policy making is often associated with this shift, epitomised by 'soft' or relational processes, co-operation and bargaining in policy making (Blomqvist, 2016). Back stage processes can also operate to enforce front stage bureaucratic hierarchy or market mechanisms by acting as a form of statecraft or meta-governance (Torfing, 2016). Meta-governance can be defined as the 'governance of governance' and involves 'deliberate attempts to facilitate, manage and direct more or less self-regulating processes of interactive governance without reverting to traditional statist styles of [hierarchical] government' (Torfing *et al*, 2012: 167). This perspective implies that back stage policy making has increased as policy makers try to deal with the complexities of governing in an 'institutional void' (Hajer, 2003). By contrast, others argue that the transition to governance has forced policy making increasingly to the front stage due to an explosion of information and closer scrutiny from non-state actors, including the media (Bovens *et al*, 2014). In reality, the picture is more nuanced than either of these two accounts and much will depend on contextual factors like, for example, the specifics of English devolution outlined above.

The literature on informal governance provides more precise definitions of formal/front stage and informal/back stage governance processes. Christiansen *et al* (2013: 6) define 'governance as informal [or back stage] when participation in the decision making processes is not or cannot be codified and publicly enforced'. Informal governance is un-codified, un-documented and has no trace beyond the recollection of the actors involved. By contrast, formal (or front stage) governance 'is regulated by rules that have been instituted according to procedures recognised as legal in clearly defined contexts' (Brie and Stolting, 2013: 19).

Exploring the interrelationship between front and back stage policy making

Both types of governance are present in all political systems. Their effect on outcomes is determined by their interrelationship: they can complement, support, impede or paralyse each other. Reh (2013, 68) argues that one way to manage the relationship is for back stage decisions to be 'formalised' within the front stage system. Decisions can take place informally but will, at some point in the policy cycle, need to be ratified and codified front stage for them to take effect. To achieve this, Friedman (1995, 17) notes that a key challenge is for actors to 'construct a back stage environment as well as front stage drama, and to manage the movement between

these stages'. Lauth (2013) identifies three types of relationship between formal (front stage) and informal (back stage) governance:

- *Complementary*: The two coexist side by side and mutually reinforce and support one another.
- *Substitutive*: In which either formal or informal are effective in the sense of being functionally equivalent to one another.
- *Conflicting*: When the two systems of rules are incompatible and where informal arrangements are used to undermine legitimate formal institutions and due process.

If the formal (front stage) rules and informal (back stage) constraints are inconsistent with each other, the resulting tension can damage the democratic legitimacy of outcomes and produce political instability and policy failure. Reh (2013) argues that the legitimacy of informal decision making can be appraised using three key criteria: effectiveness, deliberation and accountability.

The impact on effectiveness

In terms of effectiveness, back stage practices can offer a number of advantages. First, they can help to manage policy complexity and uncertainty (Klijn and Koppenjan, 2016). Informality may be prominent where the decision making context is uncertain, where the number of decision makers is potentially high and where conflict among negotiators is (or might become) intense. Informal governance can reduce the transaction costs of formal decision making and restrict the number of participants, thus providing a shortcut to reaching agreements. Back stage discussions or elitist decision making can help to avoid a 'large numbers problem' (Scharpf, 1993), though it potentially undermines consensus and buy-in from a broader range of stakeholders. Second, informal arrangements can be seen as a coping strategy (Kort and Klijn, 2012). However, the front and back stages need to complement one another to secure effectiveness.

Third, informal relationships can help to build interpersonal and inter-organisational trust (Lane and Bachman, 1998). Trust has been shown to be a valuable asset in achieving network objectives. It can tackle strategic uncertainty and enhance the possibility of actors sharing information. However, translating high trust between individuals into an institutional form can be challenging. Fourth, informal agreements can help to break deadlocks in policy areas resistant to change and adaptation. Operating back stage provides an opportunity to deploy 'soft power'to exert influence. Soft power is non-binding, non-sanctionable, vague in context, flexible and deliberative (Blomqvist, 2016) and can allow actors to begin to explore what might have at first seemed like the unimaginable. Finally, operating back stage can also create an innovative culture for 'inspiring, nurturing, supporting and communicating' (Kickert *et al*, 1997, 11). An 'innovative-oriented culture encompasses both the intention to be innovative and the creation of a supportive climate for innovation' (Wynen *et al*, 2014, 46). Operating back stage can help to overcome the predisposition for bureaucratic conservatism, leading to a dynamic culture of entrepreneurship.

The impact on deliberation

Deliberation denotes collective decision making with the participation of all who will be affected by a decision or by their representatives. Back stage decision making can create greater opportunity, flexibility and responsiveness in deliberation. For example, informal working can

broaden out the range of stakeholders beyond the formal institutions of representative democracy (Sorensen, 2016). It can help to include an 'intermediate' level of stakeholders between elected politicians and citizens and provide a 'safe space' to explore innovative and challenging policy solutions. But informality can also be used to marginalise critical actors from key decisions and further enhance the power and control of elites.

The impact on democratic accountability

This requires the decision making process to be open and transparent, including the ability to sanction decision makers, usually via elections. However, there is a danger that back stage decision making can undermine openness and transparency completely. As the 'traditional foundations of political institutions are to be complemented or replaced by new institutional modes…accountability and legitimacy are becoming blurred' (Klike, 2016, 86). A lack of transparency and openness can result in a mistrust of the governing institutions. For example, Whitley *et al* (2016, 234) argue that if the public 'feel that the process of governing is unfair then they are likely to view the government as being both dishonest and untrustworthy' - a situation with negative consequences for *both* democratic accountability *and* policy effectiveness. This type of change might suit policy makers in some circumstances. For example, Flinders *et al* (2015: 2) draw on the literature on 'blame games' and 'blame avoidance' to suggest that 'politicians can create or tolerate increasingly complex and fluid governance structures as a rational self-defence mechanism when faced with apparently intractable socio-political challenges'. Their argument is that informality, governance and complexity is used as a form of *statecraft* to allow public officials the 'wriggle room' to avoid due process (democracy) and tough decision-making (effectiveness).

PART III. METHODS

Empirical evidence on the impact of 'back stage' policy negotiations is scant, partly because of the methodological challenges of analysing the informal (Jitske and Buuren, 2016). This research has managed to overcome some of the acknowledged complexities of exploring the informal by successfully negotiating access to the research field; utilising established professional contacts to build trust with respondents for open discussions; drawing on the legitimacy of the Political Studies Association's Research Commission to encourage contacts to disclose details and clarifying confidentiality agreements so that participants felt comfortable in conveying potentially sensitive information. As a consequence, the research team were able to access data about back stage negotiations not in the public domain, thus providing a unique perspective on the devolution deal process. This enables a more analytical approach to the nature of back stage decision making, transcending a reliance on drawing inferences from secondary sources.

This research has adopted an in-depth qualitative methodology aimed at providing so-called 'thick descriptions' of the day-to-day practices guiding political actions (Rhodes, 2013). The analysis presented in this article draws upon the findings of research undertaken between March 2015 and May 2017 to explore how informal negotiations and relationships have impacted on the devolution deal process. It includes a detailed review of academic and government literature. Data collection involved fourteen face-to-face interviews conducted in December 2015 and a focus group involving eighteen senior devolution stakeholders in January 2016. The interviews and focus group involved actors working on devolution deals in (i) central government (ii) local areas that had secured a devolution deal (iii) areas that were in the process

of negotiating a deal and (iv) think tanks and research bodies. Participants were identified through established professional contacts, a search of departmental websites and snowballing.

Respondents were asked a series of questions about formal and informal procedures for negotiating devolution deals. These included whether they recognised the use of informality in the process; their motivations for using informal governance; their perceptions on the advantages and disadvantages of informal working and the impact of informal governance on the policy process. Interviews lasted approximately 45 minutes and the focus group 90 minutes. In both sessions confidentiality was assured. Detailed written notes were taken at the interviews and focus group by a nominated note taker. At the focus group participants were also asked to make notes in response to questions posed. These notes were collated and photographed to complement field notes. Data was manually coded to elicit findings.

Three research questions have been identified to shape the analysis presented in this article:

Q1: How does back stage decision making manifest itself in the devolution process?
Q2: What are the implications of back stage decision making for policy effectiveness?
Q3: What are the implications of back stage decision making for democratic accountability?

PART IV. FINDINGS

How does back stage decision making manifest itself in the devolution process?

Findings revealed that the process of *negotiating* devolution deals consisted almost entirely of back stage discussions - behind closed doors with little, if any, debate in the public arena. This was described by one central government respondent as 'a necessary evil, needed in order not to raise expectations'. Central and local government respondents also referred to the political sensitivities around negotiations as a reason to operate back stage. As a local government official said, 'if we had opened up the process to more stakeholders and public scrutiny we wouldn't have got started'. This explanation describes back stage processes being used as a coping strategy, to avoid the pitfalls of a 'large numbers problem' (Scharpf, 1993).

Furthermore, the approach, parameters and goals of the negotiations were restricted to back stage. No published guidance was available on what localities' devolution 'bids' should or should not contain. A central government official said 'often when you provide written guidance people interpret it as hard and fast rules, so providing guidance at the start wouldn't have worked'. Interview and focus group respondents indicated that the Government's openness to new ideas was genuine and the focus on deliberation - identified by Elliott (2012) as so important in ensuring democratic accountability - was real. Local representatives, particularly from the more developed local partnerships, were able to assert their local preferences in negotiations and saw the lack of guidance as an opportunity for flexibility. One respondent from a think tank agreed that 'local authorities described a process that was characteristic of genuine partnership working and co-production. This was seen as significantly different to the way in which Whitehall had attempted to work with local government in the past'.

However, the negotiation process also revealed Government 'red lines'. These were rarely overt, tending instead to emerge over time. For instance, it became clear at the focus group session that the Government had been unwilling to negotiate on pre-16 education, welfare to

work and fiscal devolution. One local government official at the focus group stated that 'it wasn't clear what was not included which led to an element of wasted effort, going down blind alleys. For example some of our thinking on education was wasted as it soon became clear this was not an issue up for discussion'. Though reported by the majority of respondents, these Government positions have never been officially acknowledged. This opacity evokes the 'statecraft' approach identified by Flinders *et al* (2015). However, there is some evidence that, in this case, 'fuzzy governance' was used to finesse *internal* Government differences. One Treasury official spoke of 'needing to be able to sell local proposals to other departments'. Indeed, findings revealed varying levels of enthusiasm for devolution both within and between departments - a feature common in the recent history of English devolution policy (Ayres and Pearce, 2013).

Once a devolution deal is published the policy process pivots towards front stage, including ratification of the deal and passage of an Order through Parliament. The powers devolved are agreed back stage but delivery and the resulting policy outcomes remain front stage. Thus English devolution policy relies on complementarity between front stage and back stage decision-making (Lauth, 2013), but there is a sharp divide between them. For example, statutory consultation processes accompanying the creation of mayoral combined authorities have no opportunity to amend the deals (Prosser *et al*, 2017), while councillors expressed unhappiness at their omission from negotiations (Sandford, 2016; Blunkett *et al*, 2016). The transition to front stage, with the focus on the mayoralty, seeks legitimacy from actors who have been excluded from the negotiations. This in itself is unexceptional in policy-making, but when it concerns a policy predicated on local democracy and control it is arguably more prone to open dissent from those who have been excluded.

What are the implications of back stage decision making for policy effectiveness?

Assessing how the use of the back stage contributed to the effectiveness of this policy is challenging. Few clear statements of the intention of the policy have been published: the 'aims, purposes and goals of decentralisation have multiplied and widened' (Pike *et al*, 2016b:13). In formal documents such as the Productivity Plan (HM Treasury, 2015) and the Northern Powerhouse Strategy (HM Treasury, 2016a), commitments were made to devolution that seeks to maximise efficiency, deliver local economic growth and integrate public services. Beyond this, the Government has not provided a formal statement of purpose. Desired outcomes and indicators have been entirely absent to date (NAO, 2016). Despite this, respondents seemed to have a reasonable understanding of the broad objectives of the policy, as an official from a leading think tank explained:

> 'Government received some criticism over a perceived lack of clarity but actually it's very clear. Economic growth is the driver, alongside greater local accountability. The bespoke approach allows for local priorities to shine through'.

Broadly, the aim of the policy can be interpreted as *implementing* the devolution of power to localities within England. The following section explores how back stage negotiations have both assisted and undermined this policy aim.

Managing complexity and uncertainty

In terms of obtaining a deal, back stage negotiation allowed substantial progress to be made in a short period of time. The political momentum behind the devolution deals was praised by respondents for activating change in an area of policy that was described by one local authority interviewee to 'have limped along for years'. Alongside the uncertain positions of both levels of government, the potential for a 'large numbers problem' (Scharpf, 1993) and the presence of a substantial number of 'veto players' (Kickert *et al*, 1997) in the form of council leaders are critical contributory factors here. Relocating decisions about what and how to devolve back stage meant that the process was less likely to be stalled by lengthy public disputes over powers and functions.

However, the effectiveness of this approach is not so evident front stage. Ratification and statutory orders front stage serve to legitimise the deals struck back stage. But the two stages were not, in this case, as distinct as this implies. The devolution deal documents contain commitments in advance to specific policy outputs, terms for the exercise of each devolved policy, and evaluations. For instance, the Cambridgeshire / Peterborough deal sets out a number of planning powers, followed by a number of policies the Government expects to be pursued locally - including 'strong partnership to support key large housing sites'…'work[ing] with Community Land Trusts to deliver new schemes', and 'support[ing] the development of proposals for ambitious reforms in the way that planning services are delivered' (HM Treasury 2016b, 9-10). It is not clear whether a mayor with an electoral mandate will be free to reverse those agreed policies if s/he does not agree with them. The 'deals have been offered on a take it or leave it basis' (academic focus group participant).

Central government has attempted to handle this tension by ensuring a degree of 'wriggle room' (Flinders *et al,* 2015) within the deals – as would be expected in the British political tradition. But the extent to which this has been done has damaged local actors' trust in the good faith of the negotiations. The transition from back stage to front stage has thus seen a number of setbacks. Deals in the North-East, Greater Lincolnshire and Norfolk/Suffolk collapsed in late 2016, following councils in each area voting against participation (Sandford, 2016). In these locations the elected mayoralty has acted as a lightning rod for discontent from local stakeholders. But this may also reflect their omission from the back stage process. Controlling the 'large numbers problem' has come at the cost of inclusivity, and has caused the policy's instigators to lose control of the 'front stage drama' (Friedman 1995).

A coping strategy and building trust

Findings revealed that back stage devolution negotiations served to generate trust in several ways. Local representatives at the focus group noted many times that Government intentions appeared more genuine than in previous similar negotiations. Government representatives derived trust in their local counterparts from the existence of clear business plans and tacit assent to the strategic direction of Government policy (Political Studies Association, 2016). A good local offer increases the chances of power being devolved and 'serves to banish fears of inadequate local capacity' (local government official). Conversely, some less successful localities noted a palpable failure to build trust. One local official stated that 'the process and negotiations changed in tone and quality as things began to fall apart'. Suggestions have also been made that the process was characterised by uneven information between the two sides

(Pike *et al*, 2016b). In the longer term, interview and focus group respondents expressed doubt whether the Government had sufficient resources to maintain high trust relationships with multiple devolved areas. One local government official indicated that, 'as our deal has been slipping away the civil servants we are dealing with have become less senior'.

Trust also helped participants to develop a shared narrative. Many initial 'bids' were ambitious and expansive, seeking to take on full responsibility for policies such as the Work Programme, skills, education, housing capital spending, or aspects of health. This was at odds with the tentative, exploratory approach evident from Greater Manchester and other earlier deals. In this scenario, a back stage approach was viewed as advantageous to both sides. It enabled such demands to be quietly dropped without local political consequences. The back stage location also meant that a narrative about the nature of the deal could be agreed between participants. A central government actor explained this process:

> 'Because there were only a handful of us in the room I was able to have an open and frank discussion with our local partners about what elements of the deal were acceptable and how we could present final decisions to the public'.

Central government representatives too indicated that their own thinking had developed over time as a result of the negotiations. They claimed that the typical contents of deals - post-16 education, housing, employment support, transport and skills - emerged from negotiations and were not decided in advance. Think-tank representatives concurred, one referring to a 'post hoc rationalisation of objectives' at the focus group. It was essential for the success of this approach that negotiations were not leaked whilst they were ongoing. A number of local government respondents at the focus group indicated that the government had 'impressed this upon us at the negotiation stage and had trusted us to comply'.

Trust needs time to build. Many devolution deal areas do not enjoy the quality of inter-authority relationship visible in leading areas such as Greater Manchester. In some areas, local leaders were pitched into high-level negotiations alongside neighbours with whom they had little prior working relationship, meaning that a key obstacle for one local negotiator was 'selling [the deal] back to our own councils'. This has affected front stage outcomes. In late 2016 the Lincolnshire and Norfolk / Suffolk deals collapsed after some participating councils refused to sign up to deals their leaders had backed. Any trust generated did not percolate through to front stage. The sharp transitions were exacerbated by the Government's anxiety to see deals published quickly. One think-tank representative said that a major driver was 'politicians wanting to announce things'.

Breaking deadlocks and pursuing innovation

The Government stated that it welcomed innovative ideas in its bids. A deliberate decision was taken to avoid guidance, but research findings indicated that this led some areas to simply demand the powers available in the initial deals. As one Treasury official said, 'What is the counterfactual of guidance? Precedent'. But this may have had a counter-productive effect. Each area was encouraged to keep negotiations private, to include only key politicians and not to share information about bids with other stakeholders. There was limited opportunity

therefore to learn from other areas or to encourage wider debate about what should be devolved. Moreover, there was little or no opportunity to develop creative and innovative ideas with other stakeholders. Contrary to creating an innovative culture (Wynen *et al*, 2014), this element of back stage working prevented the sharing of best practice amongst local areas and stifled policy innovation. One local negotiator said they did 'not want to be giving away [our] best ideas to others'.

What are the implications of back stage decision making for democratic accountability?

The deliberative process

A process of deliberation should include all interested parties affected by the decisions, as those excluded from the process may feel their views are not adequately represented (Elliott, 2012). Some scholars suggest that good quality deliberation can broaden out the range of stakeholders involved (Sorensen 2016) but in the case of the devolution deals this does not appear to have been the case. Only local authority leaders and Local Economic Partnership (LEP) representatives have participated in deal negotiations to date, with no information becoming available to other stakeholders until the deal is concluded and published (Centre for Public Scrutiny, 2015). This was consistent across interviewees and focus group participants. One stated that they had involved the chamber of commerce, with whom they had a long-standing relationship, but not the public: this came after the deal was concluded.

The devolution deal process serves to highlight that back stage informal governance can also exclude groups from decision-making. Bailey *et al* (2015) suggest that many local stakeholders felt excluded from the process, leaving them feeling ill-informed and disconnected from decisions. Central government representatives suggested that ministers believed that elected councillors should lead the negotiation process, with support from the LEP. In advance of various deals collapsing, they acknowledged that the 'ratification' process, involving veto players in the form of elected councillors, was a risk and would not be 'a formality'.

Thus the limited degree of deliberation could threaten the long-term success of the policy. This could arise not only from deals failing, but from electoral disengagement and lack of public interest in the potential for devolution deals. One think tank representative suggested that 'we will see more public engagement when things go wrong, when we fail to make the case convincingly'. Another local authority official at the focus group suggested that the Government was 'pushing things down in the expectation that when it all goes wrong they can grab it back'. Such views lie squarely within the 'British political tradition', but they hint that in this instance the *transition* from back to front stage has been managed ineffectively. A more expansive back stage process, together with a front stage process clarified in advance, would guard against public and stakeholder discontentment.

Democratic accountability

The front stage of English devolution makes use of conventional accountability processes. Mayors will be directly-elected, subject to audit by the National Audit Office and to scrutiny by a combined authority scrutiny committee. However, 'there is no source of democratic accountability for the *shape* of devolution deals' … 'few attempts were made either to engage

the public in devolution bids or to assert that the new structures would improve democratic engagement' (think tank official). Without such involvement, a back stage process that concerns extending local democratic decision making is vulnerable to challenge, and this can be seen in evidence of public opposition or relative indifference to the mayoralties. The Communities and Local Government Committee recorded considerable disquiet on a visit to Manchester (CLG Committee, 2016). Campaign groups have been established in Manchester and Sheffield in opposition to the proposed mayoralty and they have expressed concerns about the lack of consultation surrounding the deal.

The creation of mayors could be viewed as an attempt at a post hoc democratic legitimation of the back stage process. The mayor acts as a short-cut to subjecting the back stage decisions to a degree of democratic accountability, media scrutiny and public sector financial scrutiny (Bovens *et al*, 2014). This aligns with the view of back stage and front stage being used in a complementary manner in the devolution deal process (Lauth, 2013). This perspective casts the government's insistence on directly-elected mayoralties for strong devolution deals in a different light. It may be that the Government views direct election as a vital democratic corrective to the decision to take such a wide range of decisions back stage. Turnout at the first mayoral elections in 2017 was 27%, suggesting that a sharp move to direct election, with no opportunity for further discussion on the nature of the policy, did not compensate for omitting stakeholders at back stage.

PART V. CONCLUSIONS

Evidence shows that English devolution deals have been negotiated almost entirely via informal governance at the back stage. This has helped participants make great strides in a policy area with a long history of impasses, high passions and low trust. The contrast with the 2000s is striking. New Labour's regional government initiative was conducted almost entirely at front stage, but no mechanisms were created to build central trust in regional institutions to exercise power and discretion. This contributed to a general ineffectiveness (Pearce and Ayres, 2012). The process in the 2010s has not been without its ambiguities, but it appears to have tackled high levels of complexity and uncertainty effectively. The central claim made in this article is that the *transition* between back and front stage has been flawed. The secrecy of back stage negotiations around the devolution deals has led to public and political mistrust between back stage negotiators and front stage stakeholders in some areas - ultimately leading to policy failure.

On the one hand this account can be viewed as the latest chapter in the power-hoarding instincts of the British political system (Richards and Smith 2015). From this perspective informal governance can be viewed as a form of strategic statecraft to exert top down influence and control, emblematic of historic central-local relations in the UK (Blunkett *et al*, 2016). As Ayres (2017, 103) notes, 'by using informal means to shape local aspirations behind closed doors, the "shadow of hierarchy" was operationalised in more subtle ways, thus potentially supporting claims of a devolution deception'. On the other hand, our findings are more nuanced than this account describes. Evidence also indicates a genuine desire on the part of critical actors involved in the process to drive forward devolution where previous initiatives had failed, to look for innovative policy solutions and to generate trust and goodwill between central and local actors. While there were differences of opinion on final outcomes, these observations

were expressed by central, local and non-state actors in both our interviews and focus group. Back stage negotiations were seen as a route to achieving the transfer of power to the local level and can account for why there has been such a 'step change' in inter-governmental relations compared with previous governments (Sandford, 2017).

The challenge for policy makers moving forward, therefore, is to strike the right balance between the flexibility afforded by informality and demands for greater democratic accountability. The transition between the back and front stages needs to be managed more effectively and our findings indicate a number of ways in which this might be achieved.

First, the rationale behind devolution is often purported to be about bringing decision making closer to the people and local stakeholders. Nonetheless, this is at odds with the devolution deal process itself, which has been criticised as top town, elitist and exclusionary (Richards and Smith, 2015). For a policy that concerns the relationship between governors and the governed, this disjuncture has demonstrably jarred with stakeholder and public opinion. Central government's apathy towards public engagement is evidenced by the speed at which devolution deals were agreed, leaving very little time for local consultation. A lack of public awareness and opportunities for consultation have undermined an effective transition between back and front stage. Public information and consultation at critical stages in the process might alleviate this risk.

Second, the government's use of 'fuzzy governance' (Flinders *et al*, 2015) as a form of statecraft to manage complexity and uncertainty and to allow itself wriggle room has resulted in a number of deficiencies. For example, the lack of any formal guidance in the early stages of the devolution process resulted in many of the later bids simply emulating those agreed earlier. Rather than informality promoting innovation, it resulted in a high level of uniformity across bids. Some 'light touch' guidance provided at front stage might have mitigated against this outcome.

Third, the move towards more transactional and negotiated deal making (Sandford, 2017) clearly advantaged some areas over others. Those with a history of partnership working and established high trust relationships with central government were best able to champion local interests. This issue was compounded by limited resources at the centre to deal effectively with the number of bids submitted (NAO, 2015), leaving some areas feeling side lined. Operating back stage can be resource intensive. Ensuring that personnel with the right levels of skill and seniority are in place will help to provide 'parity of opportunity' to local areas.

Fourth, back stage decision making afforded the political momentum to drive forward devolution deals. It also served to build trust amongst core elites at central and local level. However, the requirement for secrecy undermined any potential for local areas to share information and best practice. This is particularly striking given the challenges of resourcing the bid process. While some areas of the negotiation might best remain back stage, the blanket 'shut down' in local dialogue undermined the potential for policy innovation - a point that should be redressed moving forward. Moreover, allowing some elements of the bids to be discussed more openly would permit a 'softer' transition between back and front stage.

Finally, the evidence presented in this article makes an original contribution to the interactive governance literature (Ansell and Torfing, 2016) by concluding that the short term efficiency gains derived from back stage decision making are threatened over the longer term without

careful management of the transition to the front stage. In particular, if back stage processes do not engage relevant stakeholders and the public then policy effectiveness can be stymied when the front stage arrives. At this point, the trade-off between policy effectiveness and democratic accountability becomes visible.

PART VI. REFERENCES

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